

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

§ Case No. 2:24-cv-00093-JRG
§ (Lead Case)

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§
§ **JURY TRIAL DEMANDED**
§

VIRTAMOVE, CORP.,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORP.,

Defendant.

§ Case No. 2:24-cv-00064-JRG
§ (Member Case)

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§ **JURY TRIAL DEMANDED**
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**DECLARATION OF YIMENG DOU IN SUPPORT OF
INTERNATIONAL BUSINESS MACHINES CORP.'S MOTION
TO EXCLUDE CERTAIN OPINIONS OF DR. SAM MALEK**

I, Yimeng Dou, hereby declare:

1. I am a partner at the law firm of Kirkland & Ellis LLP, counsel for Defendant and Counter-Plaintiff International Business Machines Corp. (“IBM”) in the above-styled matter. I am a member of the Bar of the State of California, and am admitted to practice in the Eastern District of Texas since 2016. I provide this declaration in support of IBM’s Motion to Exclude Certain Opinions of Dr. Sam Malek. I have personal knowledge of the information set forth herein, and I could and would competently testify thereto if called as a witness.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from Dr. Sam Malek’s Opening Invalidity Report regarding the IBM Counterclaim Patents.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from Dr. Sam Malek’s Rebuttal Non-Infringement Report regarding the IBM Counterclaim Patents.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from IBM’s Second Set of Interrogatories Nos. 26–39.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from Dr. Wicker’s July 18, 2025 Deposition Transcript.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from Dr. Malek’s July 18, 2025 Deposition Transcript.

7. My firm has applied highlighting to **Exhibits 1-5** consistent with the guidance in Local Rule CV-7(b).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of July, 2025 in Costa Mesa, CA.

/s/ Yimeng Dou
Yimeng Dou

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served on July 28, 2025, with a copy of this document via electronic mail.

/s/ Todd M. Friedman
Todd M. Friedman